

REMARKS

Claims 1-15 and 20-36 were pending in the Application of which claims 1 and 22 were the independent claims. Claim 1 has been amended. No new matter has been introduced by this amendment and the amendment is fully supported by the disclosure. Claims 22-36 have been cancelled. Accordingly, claims 1-15, 20, and 21 are pending in the present application with claim 1 being the independent claim. Applicants respectfully request reconsideration and allowance of pending claims 1-15, 20, and 21 in view of the following remarks.

Telephonic Interview:

Applicants would like to thank the Examiner for agreeing to and participating in a telephonic interview with Applicants' representative, the undersigned, on September 1, 2009. As a result of the interview, an agreement was reached that claim 1 as amended overcame the art of record. No agreement was reached with respect to claim 22; however, Applicants have cancelled claim 22, and claims 23-26 that depend therefrom in the above amendments in order to speed allowance of the remaining claims. Applicants expressly reserve the right to pursue any patentable subject matter included in claims 22-36 at a later time. An agreement was also reached that the claim objections and the claim rejections under 35 U.S.C. 112 are now overcome or are moot.

Claim Objections:

Claim 1 is objected to because of lack of antecedent basis. Claim 1 has been amended accordingly. Applicant respectfully requests that the Examiner withdraw this objection.

Claim Rejections under 35 USC 112:

Paragraph 8 of the Action rejects claims 1 and 22 under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors were in possession of the invention at the time the application was filed. Claim 22 has been cancelled thereby rendering the rejection moot as to claim 22. Claim 1 has been amended to overcome the rejection as agreed. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim Rejections under 35 USC 103(a):

Claims 1-15, and 20-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in further view of Koopmas et al. (U.S. Patent No. 7,024,460), in further view of Guedalia et al. (U.S. Patent No. 6,907,112) and Everhart (U.S. Patent No. 6,928,614). Applicant has cancelled claims 22-36 thereby rendering the rejections of these claims moot. With respect to the remaining claims, Applicant respectfully traverses this rejection because as agreed, Wu, Koopmas, Guedalia, and Everhart, alone or in combination, fail to teach, suggest, or disclose each and every element of the claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-15, 20 and 21.

CONCLUSION

Applicant believes that given the above amendments and remarks, the claims are now in condition for allowance and such is respectfully requested. No new claim fees are believed to be necessitated by this response. The Examiner is requested to charge any additional fees that may be due with this response to our Deposit Account No. **502075** (Attorney Docket No. 116542-1107CP).

Respectfully Submitted,

Dated: September 15, 2009

/Noel C. Gillespie/
Noel C. Gillespie, Reg. No. 47,596

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900 (Phone)
(619) 235-0398 (Fax)
Customer No. 27189